



Minutes - King County Rural Forest Commission
Thursday, November 8, 2007
Preston Community Center, Preston, Washington

Commissioners present: Jim Franzel, Doug Schindler, Leonard Guss, Lee Witter Kahn, Matt Rourke, Ron Baum and Doug McClelland

Commissioners absent: Alex Kamola, Julie Stangell and Kevin Buckley

Ex officio members present: Amy Grotta

Ex officio members absent: Marilyn Cope, Randy Sandin and Brandy Reed

Staff: Dave Kimmett, King County Parks Division; Harry Reinert, Department of Development and Environmental Services; Kathy Creahan, Farm and Forest Programs Manager; Kristi McClelland, Forester and Linda Vane, Liaison for the Rural Forest Commission

Guests: Jennifer Harrison-Cox, Partnership for Rural King County; Ian Kinair, Snoqualmie Tribe; Ray Mullen, Snoqualmie Tribe; DeeAnn Hansen, small forest landowner; Mike March, Hancock Forest Management

Meeting Summary

Action Items:

1. Staff will email the RFC a list of the Comp Plan changes recommended at this meeting before the next meeting.
2. Staff will submit comments and recommendation of the commission as part of the public comment on the public review draft of the Comprehensive Plan Update.

Minutes:

Motion 1-1107 That the minutes from the September 19, 2007 meeting be approved with the following change: that the first sentence in the third paragraph of page six be changed to read, "Jim reported that Congressman Dave Reichert has announced his intention to introduce legislation to expand the Alpine Lakes Wilderness in the Mt. Baker-Snoqualmie National Forest." Approval of the motion was moved, seconded and unanimously approved.

Vice Chair Doug McClelland called the meeting to order at 9:30 a.m.

King County Comprehensive Plan and Shoreline Management Plan Updates

Harry Reinert, King County Department of Development and Environmental Services

Harry Reinert and Kathy Creahan reported back to the commission on the update process. Harry reminded the group that the County's Comprehensive Plan (Comp Plan) is updated every four years with major policy changes and major changes to the county's land use map. In other years only minor changes are made. The County will take written comment until December 28, 2007. The County Executive will submit a proposed Comp Plan Update on March 1, 2008, to the Council, Harry explained. The Council will hold a series of public meetings, and then will adopt the Plan in October 2008. [Website: <http://www.metrokc.gov/permits/codes/CompPlan/2008/>.]

Kathy said that she will follow up on any comments that the commission makes today at the staff level and that their comments will also be compiled and submitted as part of the public comment on the draft plan. She walked the commission through the changes made in the draft so far following the recommendations of the commission.

Len said that the language about “choices” on page 3-2 should be changed; regulations are really about limiting choices in order to conserve certain environments and preserve certain lands. Jennifer said that it is not about lifestyle choice it is about sustainability of the rural area. Lee said that the idea of “lifestyle choice” in rural areas is an urban concept.

Len said that on page 3-3 2nd paragraph under Rural Legacy and Communities makes it sound like equestrian uses are increasing in King County. As an equestrian, Len believes that such uses are in fact declining in the county as a whole although there may be an increase in certain areas. In the section concerning what kinds of lands are designated as rural on page 3-4, R101a. Len said it should also mention industrial timber companies that own large acreages. Rural business owners are not necessarily engaged in forestry.

Len commented that page 3-8, policy R-108 is an important policy; it is very hard for people do forest practices on small acreages so any policy that recognizes the effort to implement utilization and marketing of products is helpful. Len said if the county wants to preserve commercial forestry have to ensure there are outlets for people selling wood. He supports policy R-108, but recommended making it stronger by adding the phrase “facilitating the marketing of products”. A major constraint for small timber owners is the lack of mills and outlets for their wood.

Page 3-10. Len said to add “King County Executive Horse Council” to list of organizations in first paragraph. Len said that policies supporting horse trails are important, as the loss of trails due to urban development is a huge issue. Anything the county can do to encourage property owners to maintain trails rather than lock fences would be valuable.

Doug M. recommended that on Page 3-15, a policy should be included to encourage or require TDR as a condition of upzoning. The intention is to make TDR more valuable.

Len said that Page 3-25, Policy R-502a is very important as we need regional solutions to retain forest uses. It is unlikely that new mills will locate in King County. Len asked if the policy of working with other jurisdictions could actually be implemented as it is important that something happen as a result of this policy. Kathy said staff will contact staff in neighboring jurisdiction and set up a meeting with other counties to see if they can get something going and that the Agriculture Program already has a similar effort underway.

Regarding page 3-31, R-529a, Doug M. said this important, excellent policy. It is good to have the county and state in alignment. Len added that if forest management requires expensive and difficult processes, then these present barriers to owners of small forest acreages who might otherwise invest maintaining their forest.

Pg 3-32, R-532. This policy has to do with changes in the County's response to fire planning, explained Kathy. Doug M. said that the fire protection in this policy should be strengthened by being more specific about the actions to be taken. He suggested that the county assess which areas of the county are most vulnerable and direct efforts to encourage fire planning to those places.

Jim Franzel pointed out that there are no policies concerning the County's relationship with the Mount-Baker Snoqualmie National Forest. Twenty-five percent of the land area of the county is within the national forest so the land management policies there have a significant impact on the county. He asked what the expectation of the commission is related to the national forest? Doug M and Matt Rourke recommended that a policy be developed to define the relationship between these agencies. Doug M. pointed out that the county has already been involved on the national forest through its Biosolids Program.

Regarding page 4-22, Policy E-419, Ron Baum said that this rule saying low impact development shall include directing surface water into native vegetation can have negative impacts on the forest if soils become waterlogged. Ron recommended that the third sentence be changed to read "Runoff caused by development shall be managed to prevent adverse impacts to water resources, forests and farmable lands."

The discussion turned to Chapter 5, the Shoreline Master Program (SMP). Harry said that the SMP was adopted by the County in 1971 and has not significantly changed since that time. Through the update process, the County has attempted to bring the many layers of regulation represented by the Comp Plan, the SMP and the Critical Areas Ordinance into alignment. Harry said that the Shoreline Master Program has been included in the Comprehensive Plan now as a new Chapter 5. Shorelines of the State are the larger lakes, rivers and marine shorelines. In King County it also includes the 100-year flood plain that is associated with the large rivers. The Shoreline Act also breaks the shorelines up into what it calls "shorelines of statewide significance" which are mainly large lakes and rivers.

Harry said the staff has proposed SMP changes based on recommendations put forward by the commission at their March and May meetings. He reviewed these changes with the commission.

Harry said that in March there was a lot of discussion about permitting requirements, especially in regard to shoreline exemption and the cost of that. The proposal now is to not require a shoreline exemption for activities that are upland of the ordinary high water mark of a shoreline as long as there is another process in place to evaluate those activities. For example if you are doing a forest practice that is subject to county regulations, you have to get a clearing and grading permit anyway – DDES would address shoreline regulations as part of that process without a separate shoreline exemption (as do now) as long as the forest practice is upland of the ordinary high water mark. Doug M. asked about replacing a road or bridge – Harry said as long as you were not doing work in the water you would not need a letter of exemption but if the activity requires getting in the water they would require either a letter of exemption or a substantial development permit. Mike March asked about replacing culverts on tributaries, would it fall under this or state as that has been a gray area.

A lengthy discussion of stream adjacent roads ensued. Doug M. said we want to be sure that we are not discouraging methods of getting rid of stream adjacent roads by relocating them. Mike March said there are a lot of dated structures. Doug said this being dealt with by the Department of Fish and Wildlife so the commission wants to make sure there is not additional process or cost associated here. Landowners have a deadline of 2015 to replace stream adjacent roads by state law. The County should not have to deal with it said Doug M. Harry said that if there is a specific way that this should be dealt with, he asked the commission to let DDES know.

Regarding Section 40.C.1: "The small forest landowner forestry riparian easement program established in chapter 222-21 WAC does not apply within shorelines." The Commission recommended that this section be deleted. The reference to the forestry riparian easement program does not make sense. Assuming it intends to refer to the less than twenty-acre riparian exemption, the Commission does not support it. Matt expressed concern about the impact it would have on the few small landowners who might harvest in the shoreline. Amy Grotta speculated that there would be few parcels this would apply to, and so it should not be a big issue for shoreline protection. Doug M. said it could be a negative message from the County to small landowners.

Kathy brought conversation back to the shoreline exemption question and asked for Harry to clarify the proposed new policy. Harry said that the shoreline conditional use would only be required if you are not following the selective timber guidelines in the statute – this is only related to shorelines of statewide significance so in the rest of the shoreline jurisdiction forest practices will be applied with no need for an exemption letter.

Regarding Section 40.C.2, which says that roads crossing wetlands and aquatic areas within shorelines shall not exceed fourteen feet in width for single lane roads and twenty-six feet in width for two-lane roads, Doug M. said that the County could rely on the Forest Practices Act (FPA) and HPA to provide adequate oversight, and need not impose a different standard. Jim F. said that the EPA is working on requiring the same thing nationally, that is to require permits for maintaining roads. Doug M. said that Washington DNR has the data, maps and landowner plans and will oversee improvements to bridges and eliminating roads adjacent to streams.

Mike March asked for clarification about the letter of exemption in harvest within the 200 foot zone on waters of statewide significance. Harry said it is not needed if you are outside the ordinary high water mark and meet state FPA. Doug M said that also the commission wants to be sure that if one is doing road maintenance within the 200 foot zone and outside the ordinary high water mark that one does not need an exemption – like for replacing culverts on a tributary and also wanted to make sure that if you were replacing a bridge or upgrading a culvert that you don't have to do much more than you do now with the County. He added, but if one were doing something new then would have to talk to the county because the county has issues with new construction. Right? asked Doug.

Doug M. asked if anyone would be concerned if it does turn out that the County is proposing somewhat more restrictions on owners of parcels under 20 acres on shorelines of the state. Matt said it would be a burden. Harry said that the County is decreasing rules from the current standard to the FPR, but are not reducing it as low as could under exemption from state FPR. Kathy said that one of the points of the 20-acre exemption is that the FPR are so complicated

with all the “cores” it is too hard for small forest landowners to follow. Kathy said staff will get back to commission with what impact on small forest landowners would be.

Regarding Chapter 5, Page 5-30, Policy S-526, the commission recommended to delete the last sentence that says if the FPA is modified to be less protective, then the current County standards should remain in place. Matt said that it was an unlikely eventuality, and that it would be difficult to interpret and track.

Doug M. shared comments from Doug Schindler, who was unable to attend today: With regard to the land use change proposed on page 3-15, R-16, Doug S, with the agreement of Doug M, said that if lands are going to be upzoned, then Transfer of Development rights should be part of that upzone. The referenced site at Highway 18 is just that kind of site, where they going from a rural 5 acre parcel to an urban development. Ron said he would not want to say that anyone could go from rural to urban if they do TDR. Doug M. agreed and said that basically TDR is one of the tools for protecting working farms and forests and it should be strengthened.

Doug McClelland brought forward a request to address the zoning at the Preston Mill site. It is zoned for a mill and neighborhood business. The community would like to bring the mill back into production. Some of the products would be milled on site, but it might be an outlet for other local forest product processors also. The part of the site that is zoned for Neighborhood Business has a P-suffix condition, which prohibits sales. Harry said he would research removal of the special condition on the land use it if the Preston Community Council would support the change.

Staff Reports

Administrative updates – Linda Vane

Linda reminded the commission that anyone who would like to be reimbursed for travel expenses should turn in a completed form before the end of the year. She also reminded the commission about the December 3rd Boards and Commission Reception in Seattle.

2008 King County Budget – Kathy Creahan

Kathy said that the 2008 Budget has been adopted by the Council. There was no change in the level of staffing for the Forestry Program.

Suggestions for future agendas

1. Brainstorm on rural economic strategies, possibly including ideas for zoning/code changes and wood stands.
2. Tour the Old Preston Mill site.

The meeting was adjourned at 1:00 p.m.

Next meeting

The next meeting will be held Wednesday, January 16, 2007, at 9:30 a.m. in Preston.

Staff Liaison:

Linda Vane, Forestry Program

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